

REMARKS

At the time of the Office Action dated May 4, 2004, claims 1-20 were pending and rejected in this application.

On page two of the Office Action, the Examiner objected to the Abstract, and specifically referred to the last sentence of the Abstract. In response, Applicants have amended the Abstract to delete the sentence referred to by the Examiner.

CLAIMS 1-20 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY
BERTRAND, U.S. PATENT NO. 5,552,989

In the statement of the rejection, the Examiner referred particularly to Fig. 3, asserting the disclosure of a graphics drawing device corresponding to that claimed. This rejection is respectfully traversed.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure of each element of a claimed invention in a single reference. As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference. That burden has not been discharged.

With regard to independent claims 1 and 11 on page three of the Office Action, although the Examiner referred to specific figures and passage citations within Bertrand asserted to

disclose each claim element, the Examiner never referred to a specific feature within Bertrand (either by reference numeral or by name) that corresponds to each of the claimed features. For example, Fig. 3 referred to by the Examiner is asserted to teach the drawing unit and geometrical arithmetic unit recited in independent claims 1 and 11 and to the processor recited in claim 1. Fig. 3, however, only discloses a single "central processor unit 19."

As discussed in the paragraph spanning pages 7 and 8 of Applicants' specification, non-rotation drawing data is transferred to a processor when a point is defined in a command, and rotation target drawing data is transferred to a drawing unit when a polygon is defined in a command. In so doing, processing of the rotation target drawing data and processing of the non-rotation target drawing data can be performed in parallel to increase drawing processing speed.

Claims 1 and 11 recite various interactions that occur between these various components to obtain this increase in drawing processing speed. These interactions, however, are not taught or suggested by either the central processor unit 19 of Fig. 3 or the Examiner's passage citations. For example, the recited *processor* controls transfer of non-rotation target drawing data to a *drawing memory*, whereas the recited *geometrical arithmetic* unit transfers (i) rotation target drawing data to the *drawing unit* and (ii) non-rotation target drawing data to the *processor*. Furthermore, the recited *drawing unit* transfers a rotated image based on rotation target drawing data to the *drawing memory*. A review of Fig. 3 of Bertrand and the specific passages cited by the Examiner, however, does not yield any identification of these claimed interactions within the central processor unit 19 of Bertrand. Thus, these claimed interactions are not explicitly disclosed by Bertrand.

Not only are these interactions not explicitly disclosed by Bertrand, there is no support in the record to find that these interactions are inherently disclosed. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient to establish inherency. To establish inherency, the extrinsic evidence must make clear that the missing element must necessarily be present in the thing described in the reference. There are no findings of record, however, that would support a finding that the central processor unit 19 of Bertrand discloses the claimed interactions between the recited elements discussed above. Thus, it cannot be argued that these claimed limitations are inherently disclosed by Bertrand.

Since the Examiner has failed to establish that Bertrand either explicitly or inherently teaches all of the claimed limitations, Applicant submits that Bertrand fails to identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 1-20 under 35 U.S.C. § 102 for anticipation based upon Bertrand.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Scott D. Paul
Registration No. 42,984

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 SDP/AJS:kap
Date: August 3, 2004
Facsimile: (202) 756-8087